

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/774,877

PATENT APPLICATION
Attorney Docket No. Q62891

REMARKS

Claims 1 - 21 are presently under consideration. The Examiner is thanked for withdrawing the 35 U.S.C. § 112, second paragraph, rejection of claims 13 - 18; the 35 U.S.C. § 112, first paragraph, rejection of claims 13 - 15 and 19 - 21; and the 35 U.S.C. § 103 rejection of claims 9 - 12, 15, 18 and 21.

I. Objections to the Specification

The specification is objected to as described in the instant Office Action. Applicant submits that the amendments made herein cure this objection.

II. Objections to Claims 1 and 2

The Examiner objects to claims 1 and 2 for informalities. Applicant submits that the amendments made herein address the Examiner's concerns.

III. Rejections Under 35 U.S.C. § 102

Claims 1 - 21 are rejected under 35 U.S.C. § 102 in view of U.S.P. No. 5,452,416 to Hilton. This rejection is respectfully traversed at least because:

- i) the Hilton reference is deficient for failing to teach or suggest the features of Applicant's independent claims, including "in a display protocol sequence, a plurality of display protocols are lined up in a predetermined order";
- ii) the Examiner makes an untenable comparison between features of Hilton's database storage to Applicant's independent claims;
- iii) the Hilton reference fails to teach or suggest a predetermined temporal order as recited by Applicant's dependent claims 13 - 15; and
- iv) the Hilton reference fails to teach or suggest display protocols being switched automatically as recited by Applicant's dependent claims 19 - 21.

The above issues are explained in greater detail, below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/774,877

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Attorney Docket No. Q62891

Hilton is Deficient

The Examiner compares Hilton's Col. 8, line 24, to Col. 9, line 43 to Applicant's independent claims. This comparison is inapposite, as explained below.

Assuming for the sake of argument that the Examiner is correct in the assertion that the above-noted portion of Hilton teaches a "display protocol sequence that defines an execution order of a plurality of display protocols for the plurality of images[,] the Hilton reference would still be deficient at least for failing to teach or suggest that the display protocols are "lined up in a predetermined order[,] as such is recited by Applicant's independent claims.

Indeed, a display protocol sequence that defines an execution order of a plurality of display protocols for the plurality of images being "lined up in a predetermined order," is absolutely absent from the Hilton reference. The Examiner is therefore respectfully requested to reconsider and withdraw this rejection.

To assist the Examiner in analyzing the above assertion, Applicant offers the following summarizations of the instant invention in contrast to the Hilton reference.

A "plurality of images" are shown in both Applicant's invention and in the Hilton reference. For example, Applicant's invention suggests chest images (front view/side view) and (past/present); CT projections/cross-sectional views; and MRI T1/T2 views. Examples of Applicant's "plurality of images" are described at page 4, line 20, to page 5, line 13, of Applicant's specification. Examples of Hilton's "plurality of images" are described at Col. 2, lines 40 – 47, in Fig. 6, and Col. 8, line 24, to Col. 9, line 11.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/774,877

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In Applicant's invention, the "plurality of display protocols" characterize a display so that particular ones of the images from the "plurality of images" are displayed simultaneously: i) in each of four areas divided on a screen, or ii) in each of nine areas divided on a screen, or iii) so that a cross-sectional image and a projection image are displayed simultaneously, and the cross-sectional image is switched to another cross-sectional image, or iv) so that each of a T1 and a T2 image of an MRI is displayed in areas formed by dividing the screen into a plurality of areas. (For instance, consider Applicant's specification at page 4, line 20, to page 5, line 13; and page 11, line 10, to page 14, line 9.) In comparison, the Hilton reference requires a physician to specify which images are displayed (*see* Col. 19, line 14, to Col. 20, line 31; as well as Hilton's claim 6).

Applicant's invention also includes a display protocol sequence (for example, consider Applicant's specification at page 5, lines 14 – 19; also consider Applicant's claim 1, for example, "an execution order of a plurality of display protocols for a plurality of images is defined . . ." and "a plurality of display protocols is arranged in a predetermined order . . .") Hilton, on the other hand, is totally deficient in teaching or suggesting the features of a display protocol sequence. These features of Applicant's independent claims are absolutely absent from the Hilton reference, and are therefore asserted as patentable. Further, Applicant's dependent claims 2 – 4, 6 – 8, and 10 – 21 are asserted as patentable at least by virtue of their respective dependencies upon one of the independent claims. In view of the previous, the Examiner is respectfully requested to reconsider and withdraw this rejection.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/774,877

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The Examiner Makes an Untenable Comparison

Additionally, the Examiner compares Applicant's plurality of display protocols to Hilton's information management database system for storing image files. More specifically, the Examiner compares the following columns from Hilton's image storing database system to Applicant's independent claims' recitation of a plurality of display protocols lined up in a predetermined order: Hilton's MODE column, Hilton's MATRIX column, Hilton's COUPLE column, and Hilton's SHRINK and EXPAND columns (*see* the instant Office Action at page 7).

In brief, the above-noted columns taken from Hilton's image storing database have absolutely nothing to do with *displaying* a display protocol sequence that defines an execution order of a plurality of display protocols that are lined up in a *predetermined order*. That is, the columns are merely representations of how information in a database is *stored*.

In stark contrast, Applicant's independent claims are concerned with how images are *displayed*. What is more, Applicant's display protocols are lined up in a *predetermined order* and are *displayed* based upon that *predetermined order*. In addition, the claims contemplate switching of the order. If the column information of Hilton were switched, there would be an inconsistency in the storage format of the data, thereby making the data more difficult to manage. These points underscore the errors in the Examiner's rejection over Hilton. The Examiner is therefore respectfully requested to reconsider and withdraw this rejection.

Hilton Fails to Teach or Suggest a Predetermined Temporal Order

Additionally, the Hilton reference is entirely deficient as to the features recited by Applicant's dependent claims 13 - 15 regarding at least one display protocol sequence including

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/774,877

PATENT APPLICATION
Attorney Docket No. Q62891

at least two of the plurality of display protocols arranged in a predetermined *temporal order*, said at least two of the plurality of display protocols each individually comprising a predetermined *spatially ordered* arrangement. The Examiner is therefore respectfully requested to reconsider and withdraw this rejection.

Hilton Fails to Teach or Suggest Display Protocols Being Switched Automatically

Furthermore, the Hilton reference is entirely deficient as to the features recited by Applicant's dependent claims 19 - 21 regarding the display protocols being *switched automatically*. The Examiner is therefore respectfully requested to reconsider and withdraw this rejection.

IV. Conclusion

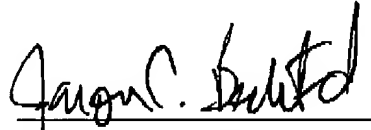
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. Short of allowance being granted on the above discussion, Applicant's attorneys respectfully request a personal interview with the Examiner (and will be calling the Examiner to set up a convenient time for the same).

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/774,877

PATENT APPLICATION
Attorney Docket No. Q62891

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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MOUNTAIN VIEW OFFICE

23493

CUSTOMER NUMBER

Date: August 18, 2004

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this AMENDMENT UNDER 37 C.F.R. § 1.111 is being facsimile transmitted to the U.S. Patent and Trademark Office this 18th day of August, 2004.



Mariann Tam